

**Commission on Peace Officer Standards and Training**

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Subject: **Genetic Information Nondiscrimination Act of 2008 and Revision to the Medical History Statement – Peace Officer (POST 2-252)**

On May 21, 2008, the President signed the [Genetic Information Nondiscrimination Act of 2008](#) (GINA). Title II of GINA, effective **November 21, 2009**, prohibits the intentional acquisition and use of genetic information in making employment decisions regarding applicants and employees, as well as imposing strict confidentiality requirements on genetic information that was acquired unintentionally.

In addition to genetic test results, “Genetic information” includes medical histories or current manifestations of disease or disorders in any family member of an applicant or employee. Unlike the Americans with Disabilities Act, which allows for the acquisition of medical information after a conditional offer of employment is extended (“post-offer”), GINA prohibits the intentional acquisition of family member medical information at *any* stage of employment (e.g., pre-offer, post-offer, fitness-for-duty).

As a result of the enactment of GINA, the Medical History Statement – Peace Officer, POST 2-252 (<http://lib.post.ca.gov/Publications/2-252MedicalHistoryStatement.pdf>), has been revised to eliminate two questions:

- Do any diseases run in your family?
- Is there a history of heart disease in your immediate family before the age of 60?

The issuance of GINA regulations by the Equal Employment Opportunity Commission (EEOC) has been delayed and will not be available by the November 21 implementation date. Nevertheless, employers (or their contractors) need to begin following the GINA requirements by that date. Further information on the employment provisions of GINA is available on the EEOC website at

[http://www.eeoc.gov/policy/docs/qanda\\_geneticinfo.html](http://www.eeoc.gov/policy/docs/qanda_geneticinfo.html). The actual law may be downloaded at <http://www.eeoc.gov/laws/statutes/gina.cfm>. In addition, the EEOC has provided POST with a [presentation](#) that highlights the provisions of GINA that have the greatest impact on law enforcement selection and employment.

Questions about GINA may be directed to Shelley Spilberg, Ph.D., at [Shelley.Spilberg@post.ca.gov](mailto:Shelley.Spilberg@post.ca.gov) or Melani Singley, Selection Standards Program Analyst at [Melani.Singley@post.ca.gov](mailto:Melani.Singley@post.ca.gov).

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